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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO.3 OF 2004
WITH
CIVIL APPLICATION NO.1090 OF 2003
IN
FIRST APPEAL NO.541 OF 2003

Harishchandra Shantaram Chavan & Anr. ...Petitioners
V/s.
Bharatiya Kala Prasarini Sabha & Ors. ...Respondents

Tanaji Mhatugde, Advocate, for the Petitioners.

Ms.S.P. Manchekar, AGP, for Respondent No.30.

CORAM : ABHAY S. OKA, J.

DATE : 16TH FEBRUARY, 2008.

P.C.:

1. Heard Advocate for the review petitioner. The review is sought of order dated 7th April, 2003 passed by this Court.

2. The Appeal before this Court arose out of the proceedings under the Bombay Public Trusts Act, 1950. There were applications preferred by the rival parties for framing the scheme of the Trust. The said applications were made under Section 50A of the said Act of 1950. After considering both the applications, a scheme was framed by the Charity Commissioner. There were two Appeals preferred in the District Court

for challenging the scheme. Both the Appeals were dismissed. The First Appeal was preferred by the review petitioners for challenging the aforesaid Judgments and Orders. The First Appeal has been dismissed by this Court.

3. One of the grounds in the Review Petition is that the First Appeal has been dismissed only on the ground that one Mr.Pathak who was appointed as a Trustee is no more on the scene of the Trust. The submission is that the other submissions canvassed in the Appeal have not been considered by this Court while deciding the First Appeal.

4. Perusal of the order of this Court shows that this Court considered the Judgment of the learned District Judge and found that there were two draft schemes submitted by the contesting parties. This Court observed that a remarkable best synthesis is achieved by the authorities in the best interests of the Trust.

5. This Court has rightly noted that though the Appeal was numbered as a First Appeal, in fact, it was governed by constraints of a Second Appeal. There is no error apparent on the face of the record. There is

no other ground for review.

6. Accordingly, Review Petition is rejected with no order as to costs.

7. In view of rejection of the Review Petition, Civil Application No.1090 of 2003 does not survive and the same is disposed of.

[ABHAY S. OKA, J.]